

**Town of Shrewsbury - Board of Selectmen**  
**Richard D. Carney Municipal Office Building-Selectmen's Meeting Room**  
**100 Maple Avenue**  
**Monday, June 30, 2003 at 7:00 PM**

**Minutes**

**Present:**

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux, and Daniel Morgado, Town Manager. Mr. Fiore called the meeting to order at 7:05pm.

**Preliminaries:**

1. Approve bills, payrolls and warrants #03101 in the amount of \$576,491.62, #03102 in the amount of \$1,640,210.16, #03103 in the amount of \$443,696.79, #03106 in the amount of \$8,671,680.97, and #0401A in the amount of \$2,262.28.
2. Approve Minutes of June 16, 2003. Motion made, seconded and unanimously voted to approve.
3. Announcements – Mr. Card asked about the property at the corner of Old Mill Road and Harrington Avenue if it was private or Town owned. The grass and shrubbery are overgrown and need to be addressed. Mr. Morgado will look into. Mr. Fiore announced that the U.S. Coast Guard Auxiliary Flotilla 1001 will be honoring Joseph A. Polito, Sr. on Wednesday, July 2 at 10:00am at the North Quinsigamond Avenue boat ramp. He is a Past Commodore of the Auxiliary and is being honored for his many years of service to the boating community. Board members and the public are invited. The Annual Fourth of July Celebration will be held this Friday at Dean Park from 12:00 noon-4:00pm. Many activities are planned; those interested in attending can contact the Parks Dept. for information. The Shrewsbury Community Band will be performing at the Dean Park Bandstand on Wednesday July 9<sup>th</sup> and Wednesday, July 23<sup>rd</sup>, rain dates are July 10<sup>th</sup> and 24<sup>th</sup>. Please call the Parks office with any questions. Mr. Fiore reminded everyone that water restrictions are in effect on an odd/even watering schedule based on address. Even numbered addresses may water outdoors on Tuesday, Thursday and Saturday. Odd numbered addresses use Wednesday, Friday and Sunday. No outdoor watering on Monday for any address. No time restrictions at this time.
4. Town Manager's Report - Nothing other than what is on the Agenda.

**Meetings:**

5. 7:30pm - Street Acceptances. Mr. Morgado advised that there are 21 streets ready for acceptance having received the Planning Board and Town Meeting approval. Motion was made to sign the documents accepting the following streets: Baldwin Circle, Bracken Road, Bridle Path (part of), Coachman Ridge Road, Dickinson Circle, Elliot Circle, Faulkner Road, Hawthorne Road, Hemingway Street (part of), Holman Heights Circle, Horseneck Road, Keyes House Road (part of), Myriah Road, Old Cart Road, Rams Gate Place, Saxon Lane (part of), Stonybrook Lane (part of), Tip Pond Road, Travis Road, Weagle Farm Road and Woodchuck Hill Road. Motion was seconded and unanimously voted.

**Public Hearings:**

6. 7:00pm – D. C. Silver Corp. d/b/a Silver Auto Sales & Service, Richard Chysna, owner, 235 Hartford Turnpike. Class II License – Sales Hours: Monday-Saturday 9:00am-6:00pm, Sunday 12:00 noon-5:00pm. Mr. Fiore said that he ordinarily recuses himself from Class II discussion. However, a letter has been received at the office today from Mr. Chysna of D. C. Silver Corp. requesting withdrawal of his application. Mr. Fiore asked if there were any objections to this request. As there were none, the Board approved the applicant's request to withdraw.
7. 7:15pm - – Psychic Visions, 431 Boston Turnpike, Paul John owner. Fortune Teller's License-Hours of Operation: Monday-Saturday 10:00am-7:00pm. Mr. John and Atty. Nicholas Katsonis were present. Mr. Fiore advised that this is the second hearing on this application as the first application was denied due to the applicant's lack of a coherent business plan and MGL chapter 140, section 185I stating that a licensee must be a resident of the town for twelve months preceding the application. Since then, a court ruling in Provincetown with similar circumstances where the judge decided that a license could not be denied based on the residency law has been brought to the Board's attention. After becoming aware of this ruling the Board decided to give the applicant a second chance to obtain a license. Atty. Katsonis reviewed Mr. John's plans for the business as outlined in his letter of June 24, 2003 to the Board. In addition to Mr. John who will conduct the readings, there will be one other employee to act as receptionist and make appointments. As readings will be by appointment, additional parking

other than what is presently at this location will not be necessary. Signage will consist of four small neon window signs and a sign on the post in front of the building. Mr. Fiore said that favorable reports had been received from department heads. Several questions were asked by the Board including the difference in the business hours advertised, Monday-Saturday from 10:00am to 7:00pm and what is stated in Atty. Katsonis' June 24<sup>th</sup> letter of Monday-Friday 9:00am-9:00pm and Saturday 9:00am-7:00pm. Mr. Fiore asked if there would be any problem in keeping the hours as advertised. Atty. Katsonis said there would not. Mr. Fiore opened the hearing to the public. Joseph Belcufine, 42 Angela Avenue, spoke against granting the license. Mel Gordon, Chairman of the Planning Board, questioned whether this type of activity would be considered adult entertainment. After consulting the Zoning By-Laws it was determined that fortune telling was not considered adult entertainment. After discussion, motion was made, seconded and unanimously voted to close the hearing. Motion was made by Mr. Lebeaux to approve a Fortune teller's License for Paul John, 431 Boston Turnpike. Hours of operation Monday through Saturday 10:00am to 7:00pm. Mr. John to be soul practitioner. Business signage and parking as described in Atty. Katsonis' letter of June 24, 2003. Mr. Hammond seconded the motion. Motion was approved with Mr. Lebeaux, Mr. Hammond and Mr. Card in favor and Mr. DePalo and Mr. Fiore opposed.

#### **Old Business:**

8. Chief Sampson's report re Do Not Block Driveway Sign - Route 9 & Lake Street. Chief Sampson reports that placement of a sign at this location would be appropriate. Mr. Lebeaux moved that a Do No Block Driveway sign be installed at the southeast corner of the intersection of Route 9 and Lake Street, placement to be determined by Highway Dept. Motion was seconded and unanimously voted.
9. Response from Light Dept. re Request for Streetlights at Intersection of Candlewood Way & Sewall Street. The Light Dept. has looked into this request and has determined that no additional lighting is necessary at this location. Resident will be informed.
10. Town Engineer Jack Perreault's report re South Quinsigamond Speed Zone. Mr. Perreault has looked into the matter with MassHighway. The Town has two options. The first is to begin a speed study and work with MassHighway with data gathering. If the Board feels the study will yield a speed limit that is too high the process can be stopped. The second option would be to remove the current speed limit and petition the State to do the same. Once that is done, Thickly Settled and 30mph signs can be posted. This option is still being studied. After a discussion the Board decided to ask Mr. Perreault to proceed with option two. Motion was made to petition the State to remove Special Speed Regulation #935. Motion was seconded and unanimously voted. Mr. Lebeaux added that we should make sure the entire road, including the section nearest Route 20 is included. Forwarded to Jack Perreault for action.

#### **New Business:**

11. Discussion of disposition of 64 Holden Street property. Mr. Morgado informed the Board that when the high school is completed this property will become surplus. The Housing Authority has expressed interest in using the house as 40B housing. The Board has a choice between selling the property or working with the Housing Authority. After a discussion the Board decided to pursue an arrangement with the Housing Authority which would be an agency to agency transfer. Mr. Morgado will work on this.
12. Creative Catering, 360 Southwest Cutoff. One Day Wine and Malt Beverages License for clam bake at Donahue Rowing Center, 237 No. Quinsigamond Ave., Friday, July 11, 2003 from 6:00pm to 10:00pm. Motion was made to approve the application of Creative Catering, seconded and unanimously voted.
13. Alexandra Burpee/Records & Burpee Children's Zoo, 68 Corbin Rd., Dudley, MA. Children's Zoo, Spag's parking lot, 193 Boston Turnpike, Wednesday July 9-Saturday, July 12, 2003, 10:00am to 8:00pm. Motion was made to approve the application of Records & Burpee Children's Zoo for a children's petting zoo at 193 Boston Turnpike. Motion was seconded and unanimously voted.

#### **Executive Session:**

14. Pending or Potential Litigation. Mr. Morgado advised that no Executive Session would be needed.

#### **Communications:**

15. Noted copy mailed: Memo from Dept. of Housing & Community Development to Rep. Polito re Chapter 40B Task Force Summary.
16. Noted copy mailed: Conditional Approval from Dept. of Environmental Protection re Administrative Consent Order.
17. Noted copy mailed: MMA Acton Alert #12, 6/17/03.

18. Noted copy mailed: Letter from Geoff Boyd re Naples Street. Forward to Engineering for analysis and report.
19. Noted copy mailed: Street Sweeping update as of 6/27/03.
20. Noted copy mailed: Letter from Robert McCarthy, 23 Coachman Ridge Road, re modifications to driveway. Mt. Fiore outlined Mr. McCarthy's plans for the property. After a discussion, it was decided that Mr. Fiore would contact the property owner and the Board will take up the matter as Old Business on July 14<sup>th</sup>.
21. Noted copy mailed: Letter to Tom Rooney from Lawrence Office of Planning & Development re Dedication of John J. "Jack" Barry Square.
22. Noted copy mailed: Letter from Rep. Polito re correspondence from Public Access Board regarding the boat ramp.
23. Noted copy mailed: Letter from Town of Boylston re perambulated boundary lines between Boylston & Shrewsbury. Recertification of boundary lines.
24. Noted copy mailed: City & Town, Vo. 16 No. 6, June 2003.
25. Noted copy mailed: Westborough Treatment Board Meeting Minutes, 5/14/03.
26. Noted copy mailed: USFilter Monthly Compliance Report, May 2003.
27. Noted copy mailed: Letter from Atty. Arthur Bergeron re Enaya Place, South Street Shrewsbury. The attorney would like to meet with the Board. MassHousing asked that applicants meet with Boards to discuss issues before approval. Mr. Hammond suggested that the Planning Board, ZBA and Conservation Commission be made aware of the meeting. Atty. Bergeron will be asked to attend the July 14<sup>th</sup> meeting at 7:15 pm. If this date is not possible another will be set.
28. Noted copy mailed: ZBA Hearing Minutes, 5/14/03, Walter Lima, 431 Boston Turnpike.
29. Noted copy mailed: E-mail from Martha Ann Kularski re Visibility at the intersection of Harrington Avenue & Old Mill Road. This matter had been brought up earlier. Mr. Morgado said a letter had been sent to the property owner and it has been taken care of.
30. Noted copy mailed: E-mail from Tony Veale re Jamie Lane sub-division issue. In the process of being resolved.
31. Noted copy mailed: ZBA Hearing Minutes, 6/4/03, Karen Dyer, 328 Maple Avenue.
32. Noted copy mailed: ZBA Hearing Minutes, 6/4/03, Judith Johnson, 79 Main Blvd.
33. Noted copy mailed: ZBA Hearing Minutes, 6/4/03, Gold Ridge Development, LLC, 118 Memorial Drive.
34. Noted copy mailed: ZBA Hearing Minutes, 6/4/03, Gary & Andrea Granito, 3 Blackthorn Road.
35. Noted copy mailed: ZBA Hearing Minutes, 6/4/03, Mary Paldino & Robert Ginisi, 10 Wendell Street.
36. Noted copy mailed: ZBA Hearing Minutes, 6/4/03, Michael Harrington Development, Inc., 93 Oak Street.
37. Noted copy mailed: Letter from Automobile Recyclers Assoc. of Mass. re policy statement issued by Registrar of Motor Vehicles re Class I, II & II dealers
38. Noted copy mailed: School Committee Meeting Minutes, 6/4/03.
39. Noted copy mailed: SELPSCC Commission Meeting Minutes, 5/12/03.
40. Noted copy mailed: Letter from Jennifer Hylton, 273 Boylston St., re traffic sign on Rte. 140 at 273 Boylston St. Forward to Police Dept. for review.
41. Noted copy mailed: Memo from Mr. Morgado re Donation of Land to Town – Shrewsbury Commons. Mark for action for next meeting. Conservation Commission will be sending materials.
42. Noted copy mailed: Invitation from Central MA Metropolitan Planning Organization to attend Open Public Meeting.
43. Noted copy mailed: Letter from Rep. Polito to legislators re language within Municipal Relief Package. Pending legislation.

Motion was made, seconded, and unanimously voted to adjourn at 8:36 pm.

Respectfully submitted,

Janice C. McCoy  
Secretary